

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 TYRUS E. EVERETT,
8

9 *Plaintiff,*

10 vs.

11 RICHARD MARSHALL, *et al.*,

12 *Defendants.*

2:12-cv-01783-RCJ-VCF

13 ORDER

14 Plaintiff, a Nevada state inmate, has filed an application (#1) to proceed *in forma*
15 *pauperis* seeking to initiate a civil rights action.

16 The application is incomplete. Both a financial certificate properly executed by an
17 appropriate institutional officer and a statement of the plaintiff's inmate trust fund account for
18 the past six months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff
19 attached a financial certificate, but he did not attach a statement of his inmate trust account
20 for the past six months. He must attach both to submit a proper pauper application and
21 properly commence a civil action.

22 It does not appear from review of the allegations presented that a dismissal without
23 prejudice will result in a promptly filed and properly commenced action being time-barred.
24 This improperly-commenced action therefore will be dismissed without prejudice.

25 IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* (#1)
26 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new
27 complaint on the required form in a new action together with either a new pauper application
28 with all required attachments or payment of the \$350.00 filing fee.

The Clerk of Court shall send plaintiff a copy of the papers that he filed along with the complaint and pauper forms and instructions for both forms.

The Clerk shall enter final judgment accordingly, dismissing this action without prejudice.

DATED: October 18, 2012.


ROBERT C. JONES
Chief United States District Judge